

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

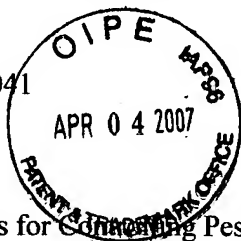
Applicant(s): Metcalfe

Application No.: 10/821,041

Filed: 4/8/2004

Title: Method and Apparatus for Controlling Pests

Attorney Docket No.: 50180



Art Unit: 3643

Examiner: Ark

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

MAILED 1-08-07

Dear Sir:

In response to the Office Action of January 8, 2007, please amend this application as follows:

In the claims:

Please amend the claims as per the attached claim amendment sheet.

REMARKS

Claims 1-7, 23-36, 40, 41 and 43-48 are pending.

Claim 23 has been amended herein. The preamble has been re-written by deleting the leading word "In."


Applicant submits that the basis for the §112 rejection has been removed; claim 23 has been amended as the Examiner suggested.

Double Patenting Rejection

Applicant acknowledges the provisional double patenting rejection of obviousness type double patenting over co-pending application 09/736,023. Applicant notes that the patent office records now reflect that the inventorship of application number 09/736,023 has been corrected to coincide with the inventorship of the instant application, number 10/821,041. Without agreeing with the basis for the obviousness-type double patenting rejection, applicant submits a Terminal Disclaimer herein in compliance with 37 CFR 1.321(c).

Respectfully Submitted,

4/4/7
Date


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